

**Meeting of the Central Valley Flood Protection Board
June 20, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 17490-A to install a floating aluminum boat dock supported by steel pilings attached to a gangway and concrete deadman on the left (east) bank levee of the Sacramento River.

Applicant

Chris Cully

Location

The project is located in Sacramento County north of Elkhorn Boulevard at 6981 Garden Highway (see Attachment B).

Description

To install a 30- by 12-foot floating aluminum boat dock supported by two 14-inch-diameter steel pilings attached to a 4- by 80-foot gangway attached to a 4- by 5-foot concrete deadman on the left (east) bank levee of the Sacramento river.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers has endorsed this application (Exhibit A).
- The Reclamation District 1000 endorsement has not been received but is anticipated to be received prior to the June 20, 2008 Board meeting.

CEQA Compliance:

The California Department of Fish and Game, as lead agency under CEQA, determined that the project was exempt under Class 4 Section 15304 categorical exemption (SCH #2007128080) as the project will consist of only minor alterations to land, water and vegetation and will not involve the removal of mature trees. Construction activities will

be timed to avoid impacts to any fish or wildlife species. Board staff concurs with this finding.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board find the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Draft Permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 17490-A BD

This Permit is issued to:

Chris Cully
6981 Garden Highway
Sacramento, California 95837

To install a 30- by 12-foot floating aluminum boat dock supported by two 14-inch-diameter steel pilings attached to a 4- by 80-foot gangway attached to a 4- by 5- foot concrete deadman on the left (east) bank levee of the Sacramento River. The project is located in Sacramento, north of Elkhorn Boulevard at 6981 Garden Highway (Section 26, T10N, R3E, MDB&M, Reclamation District 1000, Sacramento River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right

to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 17490-A BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 from any liability or claim(s) of liability associated therewith.

FIFTEEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 shall not be held liable for damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

SIXTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SEVENTEEN: No excavation shall be made or remain within the flood control project works during the flood season from November 1st to April 15th without express written consent from the central Valley Flood Protection Board.

EIGHTEEN: Cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain within the project works during the flood season from November 1st to April 15th.

NINETEEN: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

TWENTY: The landing surface shall be 2.0 feet above the design flood plane elevation of 36.5 feet NGV Datum

TWENTY-ONE: The upstream and downstream ends of the dock shall be anchored in place by a steel cable attached to a concrete deadman. The landward ends of the anchor cables shall be the same elevation as the gangway landing.

TWENTY-TWO: The concrete deadman must be of sufficient size to restrain the floating facility and be a minimum of 1 cubic yard of concrete.

TWENTY-THREE: The herein permitted boat dock landing and deadman footing(s) shall be cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth. Rip-rap and/or revetment do not constitute undisturbed earth.

TWENTY-FOUR: In the event existing rock revetment within the flood control project works is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

TWENTY-FIVE: All debris generated by this project shall be disposed of outside the Sacramento River adopted plan of flood control.

TWENTY-SIX: Objects connected to the dock shall be properly secured to prevent detachment during periods of high water.

TWENTY-SEVEN: The permittee shall be responsible for removing all boats or other objects moored to the dock upon receiving notification to do so from the Central Valley Flood Protection Board, Department of Water Resources, or any other federal, State, or local agency having applicable authority.

TWENTY-EIGHT: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

TWENTY-NINE: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

THIRTY: If the herein permitted encroachment(s) result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

THIRTY-ONE: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Central Valley Flood Protection Board, the State of California Department of Water Resources and/or any other agency responsible for maintenance.

THIRTY-TWO: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) is/are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-THREE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

THIRTY-FOUR: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated November 6, 2007, which is attached to this permit as Exhibit A and is incorporated by reference.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

NOV 06 2007

Flood Protection and Navigation Section (17490-A)

Mr. Jay Punia, General Manager
The Reclamation Board
State of California
3310 El Camino Ave. Rm. LL40
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed an application for a permit by Chris Cully (Reclamation Board Number 17490-A). These plans cover constructing an 24- by 38-foot floating aluminum boat dock attached to a 4-foot by 80-foot gangway attached to a 4- by 5-foot concrete deadman on the left (east) bank levee of the Sacramento River. The project is located in Sacramento, north of Elkhorn Boulevard at 6981 Garden Highway in Section 26, Township 10 North, Range 3 East, M.D.B. & M. Survey, Sacramento County, California.

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint subject to the following conditions:

- a. That the excavation in the project for the proposed work shall not be made or remain during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That after each period of high water, all debris caught by the boating facility must be cleared and disposed of outside the limits of the floodway and levee section.
- c. That the gangway and boat dock shall be properly anchored to prevent flotation into the floodway during periods of high water.
- d. That in the event trees and brush are cleared, they shall be properly disposed of either by complete burning or by complete removal outside the limits of the project works.
- e. That in the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the boating facility, the permittee of the boating facility is responsible for the repair of the eroded area, and for the placement of adequate revetment to prevent further erosion

A Section 10 and/or Section 404 permit application number 200700638 is in process for this work.

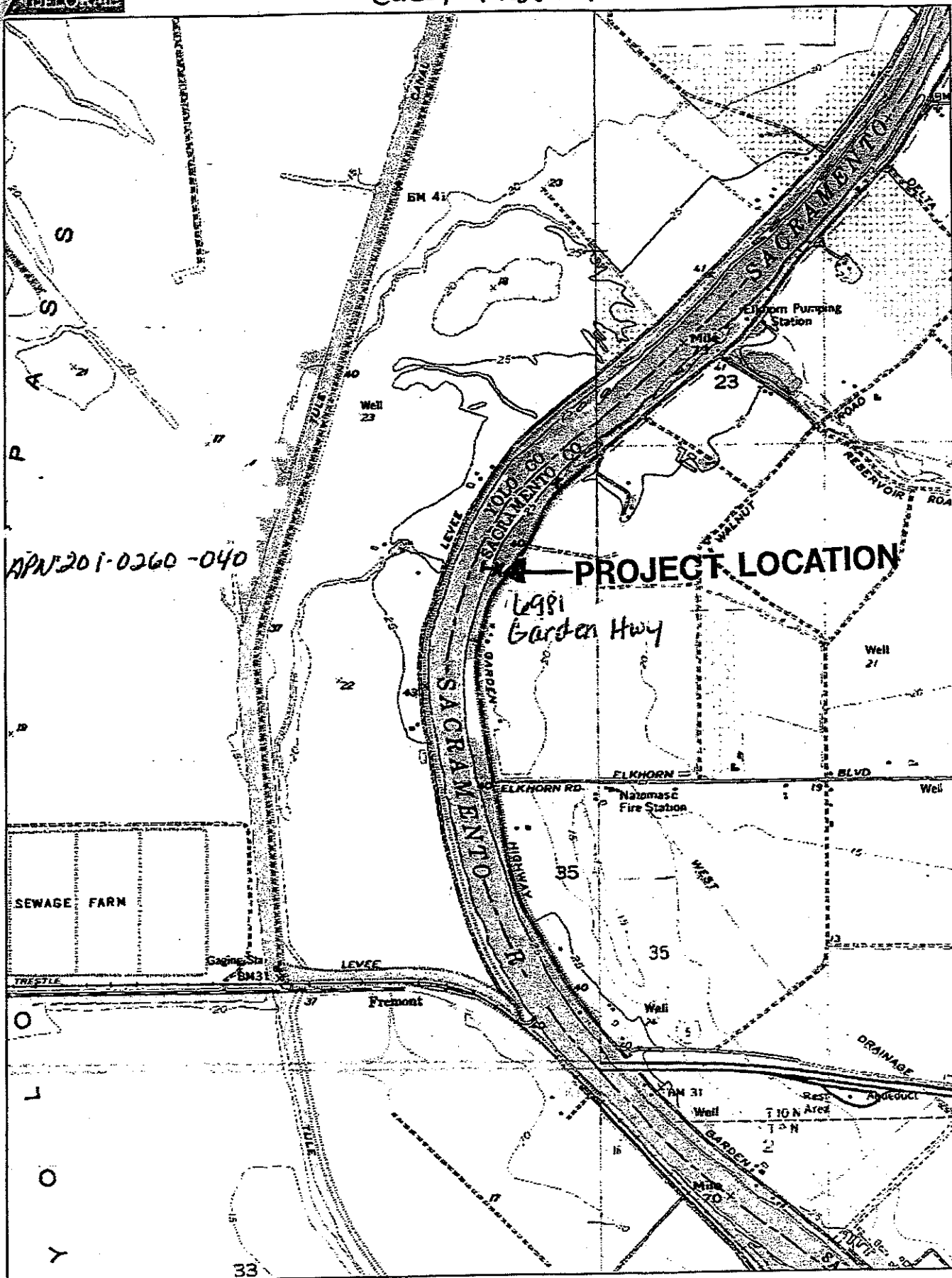
If you have any questions concerning our comments on this permit application, please contact Ms. Meegan Nagy at (916) 557-7257 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Mahoney".

Michael D. Mahoney, P.E.
Chief, Construction-Operations Division

CF:
DWR, Mr. Jeremy Arrich, Chief, Flood Project Integrity and Inspection Branch,
3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821



APN 201-0260-040

PROJECT LOCATION

6981 Garden Hwy

SEWAGE FARM

Gaging Sta BM 31

LEVEE

Fremont

Natomasc Fire Station

ELKHORN RD

BLVD

WEST

DRAINAGE

ADUCT

ADUCT

ADUCT

ADUCT

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UPSTREAM VIEW

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Downstream View

